IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CENTRAL EXCISE APPLICATION NO.1 OF 2002

The Commissioner of Central
Excise Mumbai VI .. Applicant
V/s.
Terene Fibres India Pvt.Ltd. .. Respondent.

Mr.A.S. Rao with Mr.Y.R. Mishra for the applicant.

Mr.J.J. Bhatt with Mr.Rohan Shah i/b. Mr.A.S. Dayal & Associates for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 26TH APRIL, 2005.

P.C. :

1. Heard.

2. The learned counsel appearing for the revenue fairly points out that in one of the similar matter, the Tribunal has passed an order dated December 12, 2002 in the case of the assessee itself on merits and the same has been accepted by the revenue. Zerox copy of the said order is taken on record.

3. In this view of the matter, the question framed does not arise for the purpose of upholding penalty. The application is, therefore, dismissed in limine with no order as to costs.

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